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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/825,585	04/01/1997	TAKEHIRO YOSHIDA	35.C10516-CO	1146
5514	7590	06/04/2002	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ENG, GEORGE	
ART UNIT		PAPER NUMBER		
2643				42
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 08/825,585	Applicant(s) Yoshida
	Examiner George Eng	Art Unit 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Mar 26, 2002.
 - 2a) This action is FINAL. 2b) This action is non-final.
 - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-6 and 11-18 is/are pending in the application.
 - 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
 - 5) Claim(s) _____ is/are allowed.
 - 6) Claim(s) 1-6 and 11-18 is/are rejected.
 - 7) Claim(s) _____ is/are objected to.
 - 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 3/26/2002 (paper no. 41).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno (US PAT. 5,661,568) in view of Kawaguchi (US PAT. 5,303,066).

Regarding claim 1, Ueno discloses a data communication apparatus adapted to execute a plurality kinds of facsimile protocol comprising a detection circuit for detecting a call signal, i.e., ID information for identifying a communication apparatus, at a calling station before start of communication with the communication apparatus (col. 4 lines 51-57), a memory (105) for storing communication information (col. 5 lines 6-17), a control circuit for reading the communication information in order to select one of the first and second communications protocols (col. 5 lines 30-57). Ueno differs from the claimed invention in not specifically teaching to store a protocol in

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associated with the ID information of the communication apparatus so that the control circuit adapted to start a facsimile protocol stored in the memory corresponding to the ID information detected by the detected circuit or to start a facsimile protocol to determine a facsimile protocol to be used according to whether or not a facsimile protocol corresponding to the ID information detected by the detector circuit is stored in the memory. However, Kawaguchi teaches an image communication system having a function for shortening the pre-message procedure including a memory for storing a facsimile protocol in associated with an ID information of destination station (col. 4 lines 40-52), and control means for starting a facsimile protocol stored in the memory corresponding to the ID information or regular procedure to determine a facsimile protocol to be used depending upon a facsimile protocol corresponding to the ID information detected by the detector circuit is stored in the memory (figures 9A-9C and col. 11 line 1 through col. 12 line 63). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno in storing the protocol in associated with the ID information of the communication apparatus so that the control circuit adapted to start the facsimile protocol stored in the memory corresponding to the ID information detected by the detected circuit or to start it the facsimile protocol corresponding to the ID information detected by the detector circuit is stored in the memory, as per teaching of Kawaguchi, because it make capable of shortening the time required for the performance of pre-message procedure in facsimile communication.

Regarding claims 2-3, Kawaguchi discloses means for registering the ID information of the calling station including telephone number information in accordance with the executed

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communication protocol, wherein the ID information is the telephone number information (col. 4 lines 40-52 and col. 12 lines 14-20).

Regarding claim 4, Ueno teaches a data communication apparatus is capable of changing with different type of modems (figure 1 and col. 5 line 18 through col. 9 line 22).

Regarding claim 5, Ueno teaches the facsimile protocol including V.21 and V.29 (figure 1). Ueno differs from the claimed invention in not including V.8 and V.34, the particular of protocol used is merely a matter of design option such that V.34 is the international standard for dial up modems of up to 28,800 bits per second and V.8 is a way V.34 modems negotiate connection features and option. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno using V.8 and V.34 in the communication apparatus because it makes compatible with different protocols so that it can be widely used to communicate with other apparatus in different protocols.

Regarding claim 6, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 11, Ueno discloses a communication apparatus having a plurality of modems comprising detection means (col. 4 lines 51-57), receiving means for receiving ID information for identifying a communication apparatus at a calling station (col. 5 lines 6-17), selection means and communication means (col. 5 lines 43-57). Ueno differs from the claimed invention in not specifically teaching the control circuit adapted to conduct communication base on image communication protocol to the ID information received by the receiver circuit or to conduct

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communication to determine an image communication protocol to be used according to whether or not the ID information is received by the receiver circuit. However, Kawaguchi teaches an image communication system having a function for shortening the pre-message procedure including the control circuit adapted to conduct communication base on image communication protocol to the ID information received by the receiver circuit or to conduct communication to determine an image communication protocol to be used according to whether or not the ID information is received by the receiver circuit (figures 9A-9C and col. 11 line 1 through col. 12 line 63). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno in having the control circuit adapted to conduct communication base on image communication protocol to the ID information received by the receiver circuit or to conduct communication to determine an image communication protocol to be used according to whether or not the ID information is received by the receiver circuit, as per teaching of Kawaguchi, because it make capable of shortening the time required for the performance of pre-message procedure in image communication.

Regarding claim 12, Kawaguchi teaches that the ID information is destination number (col. 4 lines 43-46). Thus, it would have been obvious of receiving ID information between receiving successive calling signals in order to receive the ID information.

Regarding claim 13, the limitations of the claim are rejected as the same reasons set forth in claims 2-3.

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Regarding claim 14, Kawaguchi teaches an updating circuit to updating the communication protocols stored in the memory (col. 12 lines 14-16).

Regarding claims 15-16, Kawaguchi teaches a counter circuit adapted to count a predetermined time, wherein the updating circuit updates the respective communication protocol for each communication apparatus when the counter has counted the predetermined time (col. 12 lines 17-20 and col. 14 lines 6-43).

Regarding claim 17, Kawaguchi discloses the ID information including telephone numbers of the communication apparatus at the calling station (4 lines 43-46).

Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 11.

Response to Arguments

4. Applicant's arguments with respect to claims 1-6 and 11-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Douglas et al. (US PAT. 4,788,657) discloses a communication system enabling communications between reconfigurable data terminals and a variety of connected terminals by

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automatically reconfiguring an operation parameters of a calling terminal to match those of called terminals based on a dialed number of one of the called terminals at the calling terminal (abstract).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. **Any response to this final action should be mailed to:**

BOX AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

GEORGE ENG

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CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600